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December 7, 2004

Lawrence Norton, Esquire
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: MUR 5586
Florida Education Association and Academy of Florida Trial Lawyers

Dear Mr. Norton:

This letter constitutes the response of the Florida Education Association ("FEA") and the Academy of Florida Trial Lawyers ("AFTL") to the complaint in the above-referenced Matter Under Review. For the reasons stated below, the Commission should dismiss the complaint against FEA and AFTL.

The complaint attempts to allege that FEA and AFTL made coordinated contributions/expenditures to the Democratic Party and/or Democratic candidates for federal office in violation of the Federal Election Campaign Act ("FECA") as amended by the Bipartisan Campaign Reform Act of 2002 ("BCRA"). In its inadequate effort to support these allegations, the complainant relies solely on an unsigned document entitled "Florida Victory 2004." However, other than naming FEA and AFTL as respondents and referencing the unsigned "Florida Victory 2004" document, the complaint does not allege any specific action purportedly taken by FEA or AFTL that would constitute a violation of the FECA/BCRA; the complaint does not reference a single specific federal election activity or public communication purported to have been engaged in by FEA or AFTL.

Accordingly, the complainant has not established a factual basis to support the allegations that FEA and AFTL violated FECA/BCRA. Indeed, as the affidavits attached to this letter demonstrate, no such basis exists.

Neither FEA nor AFTL had any knowledge of nor participated in any of the activities listed in the document entitled "Florida Victory 2004." In fact, AFTL did not engage in any activities involving federal candidates in the 2004 election cycle, and FEA only engaged in permissible restricted class communications. No one at FEA or AFTL ever saw or signed the document entitled "Florida Victory 2004."

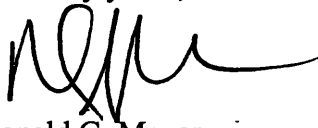
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An unimplemented document drafted by a third party cannot support a violation of FECA/BCRA by FEA or AFTL. The complaint completely fails to contain "a clear and concise recitation of facts which describe a violation of a statute or regulation over which the Commission has jurisdiction" as required by 11 CFR §111.4(3). Instead, the complaint relies solely on conjecture and assumption with no basis in fact. Accordingly, the complaint as it pertains to FEA and AFTL should be dismissed.

Based on the foregoing, FEA and AFTL respectfully request that the Commission dismiss the complaint. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'RGM', with a long horizontal flourish extending to the right.

Ronald G. Meyer

Enclosures

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AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LEON

Before me personally appeared **Andy Ford** who, after being duly sworn, stated the following:

1. I am President of the Florida Education Association which is located at 213 South Adams Street, Tallahassee, Florida 32301.
2. On November 8, 2004, FEA received the complaint and its attachments filed by the Republican Party of Florida. Prior to receiving the complaint, neither I, nor any other officer, agent or employee of FEA, had ever seen the document entitled "Florida Victory 2004" which was attached to the complaint. Neither I, nor any authorized representative of the FEA ever signed any version of the document entitled "Florida Victory 2004."
3. The only federal election communications engaged in by FEA during 2004 were restricted class communications, i.e. communications to FEA's members, officers and their immediate families. FEA did not engage in any public communications or electioneering communications during the 2004 election cycle. FEA did not participate in nor undertake any of the activities listed in the document entitled "Florida Victory 2004."
4. FEA did not make any expenditures in coordination, cooperation, or at the suggestion of any federal candidate, authorized political committee of a candidate, candidate's agents or a national, state or local committee of a political party. FEA did not make any in-kind contributions to a federal candidate or political party.

FURTHER AFFIANT SAYETH NAUGHT.

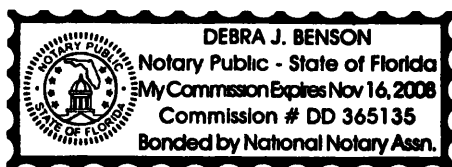
Andy Ford
Andy Ford

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me on this 2 day of December, 2004, by Andy Ford, ✓, who is personally known to me OR _____ who has produced satisfactory evidence of identification (check one) and who ✓ did OR _____ did not (check one) take an oath stating that the foregoing was executed for the purposes stated therein.

Type of Identification Produced:

Personally Known



Debra J. Benson
NOTARY PUBLIC

Debra J. Benson
PRINTED NAME
My Commission Expires:

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LEON

Before me personally appeared **Alexander Clem** who, after being duly sworn, stated the following:

1. I am President of the Academy of Florida Trial Lawyers, Inc. ("AFTL") which is located at 218 South Monroe Street, Tallahassee, Florida 32301.

2. Prior to AFTL's receipt of the Florida Republican Party's complaint and its attachments, neither I nor any other officer, agent or employee of AFTL, had ever seen the document entitled "Florida Victory 2004" which was attached to the complaint. Additionally, neither I, nor any other officer, agent or employee of the AFTL, ever signed any version of the document entitled "Florida Victory 2004." AFTL did not participate nor undertake any of the activities listed in the document entitled "Florida Victory 2004."

3. AFTL did not engage in any public communications or electioneering communications involving federal candidates during the 2004 election cycle. AFTL's election activities in 2004 consisted solely of support or opposition of state and local candidates and ballot initiatives.

4. AFTL did not make any expenditures in coordination, cooperation, or at the suggestion of any federal candidate, an authorized political committee of a federal candidate, a federal candidate's agents, or a national, state, or local political party. AFTL did not make any in-kind contributions to federal candidates and/or political party committees.

FURTHER AFFIANT SAYETH NAUGHT.

Alexander Clem

Alexander Clem

STATE OF FLORIDA
COUNTY OF ~~ORANGE~~ **LEON**

The foregoing instrument was acknowledged before me on this 30 day of ~~December~~ **November**, 2004, by Alexander Clem, ✓, who is personally known to me **OR** who has produced satisfactory evidence of identification (check one) and who ✓ did **OR** did not (check one) take an oath stating that the foregoing was executed for the purposes stated therein.

Type of Identification Produced: _____

[Signature]
NOTARY PUBLIC

RONALD G MEYER
PRINTED NAME

My Commission Expires:



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